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8 Attorneys for Defendant
9 MILAROSE NILOOBAN

FILED
DISTRICT COURT OF GUAM

APR - 6 2006 *af*

MARY L.M. MORAN
CLERK OF COURT

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF GUAM**

9 ELIZABETH TOLOSA-TAHA) CIVIL CASE NO. 05-00025
10)
11 Plaintiff,)
12 vs.) ANSWER OF DEFENDANT MILAROSE
13) NILOOBAN TO PLAINTIFF'S
14 MILAROSE NILOOBAN, NILO) AMENDED COMPLAINT TO QUIET
15 NILOOBAN, THE TESTATE AND) TITLE; CERTIFICATE OF SERVICE
16 INTESTATE SUCCESSORS OF EDGAR)
17 G.M. TOLOSA, DECEASED, AND ALL)
18 PERSONS CLAIMING BY, THROUGH)
19 OR UNDER SUCH EDGAR G.M.)
20 TOLOSA; ALL PERSONS UNKNOWN,)
21 CLAIMING ANY LEGAL OR EQUITABLE)
RIGHT, TITLE, ESTATE, LIEN, OR)
INTEREST IN THE PROPERTY)
DESCRIBED IN THE COMPLAINT)
ADVERSE TO PLAINTIFF'S TITLE, OR)
ANY CLOUD ON PLAINTIFF'S TITLE)
THERETO; AND DOES 1 to 50,)
22 INCLUSIVE,)
23)
24 Defendants.)

25 Comes now Defendant MILAROSE NILOOBAN, by and through her attorneys,
MAHER • YANZA • FLYNN • TIMBLIN, LLP, by Louie J. Yanza, and for answer to the
Amended Complaint for Quiet Title (hereinafter "Amended Complaint") filed herein by
Plaintiff, above-named, alleges and avers as follows:

ORIGINAL

1. Defendant NILOOBAN admits the allegations contained in paragraphs 6, 9 and 12 of the Amended Complaint.
2. In response to paragraph 2 of the Amended Complaint, Defendant NILOOBAN admits she is the current occupant of the subject property. Defendant NILOOBAN denies, generally and specifically, all of the other remaining allegations contained in paragraph 2 of the Amended Complaint.
3. Defendant NILOOBAN states that she is without knowledge or information sufficient to allow it to formulate a belief as to the truth or veracity of the allegations contained in paragraphs 1, 3, 4, 5 7, 8 and 11 of the Amended Complaint and, based thereon, therefore, denies, generally and specifically, the same.
4. Defendant NILOOBAN denies, generally and specifically, each and every allegation contained in paragraph 10 of the Amended Complaint.
5. Except as otherwise specifically admitted herein, Defendant denies, generally and specifically, each and every allegation not otherwise denied in Plaintiff's Amended Complaint.

AFFIRMATIVE DEFENSES

Defendant NILOOBAN pleads the following affirmative defenses to Plaintiff's Amended Complaint:

1. Plaintiff has failed to state a claim upon which relief may be granted.
2. Lack of jurisdiction.

- 1 3. The causes of action against Defendant NILOOBAN are barred by the
2 Doctrine of Laches.
3 4. Plaintiff has no standing.
4 5. Lack of consideration.
5 6. Unclean hands.
6 7. Consent.

7
8 WHEREFORE, Defendant NILOOBAN herein prays for relief as follows:

- 9 1. That Plaintiff take nothing against Defendant NILOOBAN by way of her
10 Amended Complaint;
11 2. That Plaintiff's Amended Complaint be dismissed with prejudice against
12 Defendant NILOOBAN;
13 3. That Defendant NILOOBAN be awarded her costs in defending this action;
14 and
15 4. For such other and further relief as the Court may deem just and proper.

16 Dated this 6th day of April, 2006.

17
18 **MAHER . YANZA . FLYNN . TIMBLIN, LLP**
19 Attorneys for Defendant
20 **JOHN CRANE, INC.**

21 By: 
22 _____
23 LOUIE J. YANZA
24
25

1 **CERTIFICATE OF SERVICE**

2 I, Louie J. Yanza, hereby certify that on or before April 6, 2006, I caused to be
3 sent by personal service or by facsimile a copy of the annexed **Answer of Defendant**
4 **Milarose Nilooban to Plaintiff's Amended Complaint for Quiet Title; Certificate of**
5 **Service**, to the following parties at their place of business:

6
7 **Gerald E. Gray, Esq.**
8 213 E Buena Vista Avenue, Suite 202
9 Dededo, Guam 96929-5321
10 **Counsel for Plaintiff Elizabeth Tolosa-Taha**

11 and, via regular mail, to:

12 **Edna V. Wenning, Esq.**
13 Law Offices of Edna V. Wenning
14 289 Norubega Drive
15 Monrovia, California 91016
16 **Counsel for Plaintiff Elizabeth Tolosa-Taha**

17 Dated this 6th day of April, 2006.

18 **MAHER . YANZA . FLYNN . TIMBLIN, LLP**
19 Attorneys for Defendant
20 **MILAROSE NILOOBAN**

21 By: _____

22 **LOUIE J. YANZA**
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